

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**CONNIE J. JOHNSON,**

**Plaintiff,**

**vs.**

**MICHAEL J. ASTRUE,  
COMMISSIONER, SOCIAL  
SECURITY ADMINISTRATION,**

**Defendant.**

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**CASE NO. 4:08CV3231**

**MEMORANDUM  
AND ORDER**

This matter is before the Court on the motion for attorney fees (Filing No. 35) filed by the Plaintiff, Connie J. Johnson. The motion is filed under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d), and is supported by a brief and an itemization of services submitted by Stephen Speicher, attorney for the Plaintiff (Filing Nos. 36, 37). The Court also notes the response submitted by the Defendant, the Commissioner of Social Security (Filing No. 42).

This Court entered Judgment reversing this matter and remanding the case for further proceedings. The Court concluded that the Plaintiff was credible and therefore the Commissioner's position was not supported by substantial evidence based on the record as a whole. The Plaintiff's attorney filed a timely application for attorney, paralegal, and law clerk fees. The total amount requested was \$8,009.04 for attorney fees and \$1,221.00 in paralegal and law clerk fees. The Commissioner states in response that counsel for both parties have agreed on a total amount of \$7,000.00. After reviewing the record, the briefs, the affidavits, and the applicable law, the Court determines that the request is appropriate in the amount to which counsel have stipulated.

IT IS ORDERED:

1. The Plaintiff's motion for attorney fees (Filing No. 35) is granted; and
2. The Plaintiff is awarded attorney fees in the amount of \$7,000.00, payable to Stephen Speicher, Plaintiff's attorney.

DATED this 30<sup>th</sup> day of September, 2009.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge